



SENATE REPUBLICAN

POLICY COMMITTEE

Legislative Notice

No. 33

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H.R. 3093 – Departments of Commerce and Justice, Science, and Related Agencies Appropriations Bill, 2008

Calendar No. 259

On July 13, the Appropriations Committee reported S. 1745, the Senate version of H.R. 3093, by a vote of 28-1; S. Rept. 110-124.

Noteworthy

- H.R. 3093 provides \$56.03 billion in new budget authority for fiscal year 2008, which is \$3.18 billion above the Administration's request and \$3.55 billion above the FY07 enacted level. The total includes \$228.0 million in mandatory appropriations.
- Major funding differences include: \$850.0 million above the Administration's request for State and Local Law Enforcement Assistance, \$517.7 million above the Administration's request for Community Oriented Policing Services, \$405.3 million above the Administration's request for the National Oceanic and Atmospheric Administration, \$285.0 million above the Administration's request for the Federal Prison System, \$222.3 million above the Administration's request for the National Institute of Standards and Technology, and \$150.2 million above the Administration's request for National Aeronautics and Space Administration.
- H.R. 3093 provides \$24.31 billion for Department of Justice programs, which is \$2.06 billion above the President's request and \$1.10 billion above the FY07 enacted level.
- H.R. 3093 provides \$4.21 billion for the National Oceanic and Atmospheric Administration (NOAA), which is \$405.3 million above the Administration's request and \$136.6 million above the FY07 enacted level, excluding emergency appropriations.
- H.R. 3093 provides \$17.46 billion for NASA, which is \$150.2 million above the Administration's request and \$1.18 billion above the FY07 enacted level.
- A Statement of Administration Policy (SAP) on the bill as reported by the Senate Appropriations Committee was not available at press time. However, on July 24, the Administration released a SAP strongly opposing the House-reported bill, H.R. 3093.

Highlights

(in billions)	<u>President's Request</u>	<u>House-passed Amount</u>	<u>Senate-reported Bill</u>
Title I Department of Commerce	\$ 6.60	\$ 7.02	\$ 7.35
Title II Department of Justice	22.25	23.98	24.31
Title III Science	23.74	24.13	24.02
Title IV Related Agencies	.76	.84	.90
Title VI Rescissions	-.50	-.82	-.55
TOTAL¹	\$ 52.8	\$ 55.2	\$ 56.0

Bill Provisions

Title I – Department of Commerce

H.R. 3093 provides \$7.35 billion for the Department of Commerce, which is \$754.2 million above the Administration's request and \$895.7 million above the FY07 enacted level. Significant spending accounts include:

International Trade Administration (ITA): Provides \$417.4 million for the ITA, which is \$5.0 million above the Administration's request and \$21.8 million above the FY07 enacted level.

Bureau of Industry and Security (BIS): Provides \$78.8 million for the BIS, which is equal to the Administration's request and \$3.4 million above the FY07 enacted level.

Economic Development Administration (EDA): Provides \$282.8 million for the EDA, which is \$80.0 million above the Administration's request and \$2.2 million above the FY07 enacted level.

Economic and Statistical Analysis: Provides \$85.0 million for Economic and Statistical Analysis, which is equal to the Administration's request and \$5.2 million above the FY07 enacted level.

Bureau of the Census: Provides \$1.25 billion for the Bureau of the Census, which is \$16.4 million above the Administration's request and \$355,632 above the FY07 enacted level.

National Telecommunications and Information Administration (NTIA): Provides \$48.58 million for the NTIA, which is \$30.0 million above the Administration's request and \$8.8 million above the FY07 enacted level.

¹ Figure totals were taken from S. Rept. 110-124. Any difference in the totals is due to rounding.

Patent and Trademark Office (PTO): Provides \$1.92 billion for the PTO, which is equal to the Administration's request and \$144.5 million above the FY07 enacted level. The Committee agrees with the recommendation to extend the fee-increase for USPTO through the end of FY08.

Technology Administration: Does not provide funding for Technology Administration, which is \$1.6 million below the Administration's request and \$2.0 million below the FY07 enacted level.

National Institute of Standards and Technology (NIST): Provides \$863.0 million for the NIST, which is \$222.3 million above the Administration's request and \$186.1 million above the FY07 enacted level.

- **Advanced Technology Program:** Provides \$100.0 million for the Advanced Technology Program. The Committee has provided a provision preventing large companies from applying for single applicant awards.

National Oceanic and Atmospheric Administration (NOAA): Provides \$4.21 billion for NOAA, which is \$405.3 million above the Administration's request and \$136.6 million above the FY07 enacted level, excluding emergency appropriations.

Departmental Management: Provides \$82.7 million for departmental management, which is \$4.7 million below the Administration's request, but \$9.0 million above the FY07 enacted level.

Title II – Department of Justice

H.R. 3093 provides \$24.31 billion for the Department of Justice, which is \$2.06 billion above the Administration's request and \$1.10 billion above the FY07 enacted level. Significant spending accounts include:

General Administration: Provides \$1.86 billion for General Administration, which is \$37.6 million below the Administration's request, but \$24.3 million above the FY07 enacted level. Of this funding, \$1.27 billion is for the Office of the Federal Detention Trustee.

United States Parole Commission: Provides \$12.2 million for the United States Parole Commission, which is equal to the Administration's request and \$685,000 above the FY07 enacted level.

United States Attorneys: Provides \$1.75 billion for United States Attorneys, which is equal to the Administration's request and \$92.9 million above the FY07 enacted level, excluding emergency appropriations.

United States Marshals Service: Provides \$904.9 million for the United States Marshals Service, which is \$5.0 million above the Administration's request and \$79.0 million above the FY07 enacted level, excluding emergency appropriations.

Interagency Law Enforcement: Provides \$509.2 million for Interagency Law Enforcement, which is equal to the Administration's request, but \$11.2 million below the FY07 enacted level.

Federal Bureau of Investigation (FBI): Provides \$6.58 billion for the FBI, which is \$147.3 million above the Administration's request, but \$280.1 million above the FY07 enacted level, excluding emergency appropriations.

Drug Enforcement Administration (DEA): Provides \$1.85 billion for the DEA, which is \$51.6 million above the Administration's request and \$93.1 million above the FY07 enacted level, excluding emergency appropriations.

Bureau of Alcohol, Tobacco and Firearms (ATF): Provides \$1.05 billion for the ATF, which is \$35.0 million above the Administration's request and \$64.9 million above the FY07 enacted level.

Federal Prison System: Provides \$5.65 billion for the Federal Prison System, which is \$285.0 million above the Administration's request and \$217.7 million above the FY07 enacted level, excluding emergency appropriations.

Justice Assistance: Provides \$240.0 million for Justice Assistance, which is \$72.7 million above the Administration's request and \$1.7 million above the FY07 enacted level.

State and Local Law Enforcement Assistance: Provides \$1.40 billion for State and Local Law Enforcement Assistance, which is \$850.0 million above the Administration's request and \$163.2 million above the FY07 enacted level. Of this funding, \$190.0 million is for Edward Byrne Discretionary grants.

Weed and Seed Program Fund: Provides \$50.0 million for the Weed and Seed Program Fund, which is \$64,000 above the FY07 enacted level. The Administration did not request funding for this account.

Community Oriented Policing Services (COPS): Provides \$550.0 million for COPS, which is \$517.7 million above the Administration's request and \$1.6 million above the FY07 enacted level. The President's Budget reduces or eliminates a number of programs that the Administration argues do not have a record of demonstrating results, one of which is the COPS Law Enforcement Technology Grants program.

Juvenile Justice Programs: Provides \$340.0 million for Juvenile Justice Programs, which is \$60.0 million above the Administration's request and \$1.3 million above the FY07 enacted level.

Public Safety Officers Benefits: Provides \$66.0 million for Public Safety Officer Benefits, which is equal to the Administration's request and \$1.0 million above the FY07 enacted level.

Title III – Science

H.R. 3093 provides \$24.0 billion for Science, which is \$274.8 million below the Administration's request, but \$1.81 billion above the FY07 enacted level, excluding emergency appropriations. Significant spending accounts include:

National Aeronautics and Space Administration (NASA): Provides \$17.46 billion for NASA, which is \$150.2 million above the Administration's request and \$1.18 billion above the FY07 enacted level, excluding emergency appropriations. Of this funding, \$10.63 billion is for the Science, Aeronautics, and Exploration account, which is \$149.9 million above the Administration's request.

National Science Foundation (NSF): Provides \$6.55 billion for the NSF, which is \$124.4 million above the Administration's request and \$636.2 million above the FY07 enacted level.

Title IV – Related Agencies

H.R. 3093 provides \$899.7 million for Related Agencies, which is \$137.2 million above the Administration's request and \$99.0 million above the FY07 enacted level. Significant spending accounts include:

Equal Employment Opportunity Commission (EEOC): Provides \$378.0 million for the EEOC, which is \$50.3 million above the Administration's request and \$49.3 million above the FY07 enacted level.

International Trade Commission (ITC): Provides \$68.4 million for the ITC, which is equal to the Administration's request and \$6.5 million above the FY07 enacted level.

Legal Services Corporation (LSC): Provides \$390.0 million for the LSC, which is \$79.1 million above the Administration's request and \$41.4 million above the FY07 enacted level.

Marine Mammal Commission (MMC): Provides \$3.0 million for the MMC, which is \$701,000 above the Administration's request and \$104,000 above the FY07 enacted level.

United States Trade Representative (USTR): Provides \$47.8 million for the USTR, which is \$3.4 million above the Administration's request and \$3.6 million above the FY07 enacted level.

State Justice Institute: Provides \$3.5 million for the State Justice Institute, which is \$45,000 above the FY07 enacted level. The Administration did not request similar funding.

Title V – General Provisions

Title V is composed of General Provisions concerning quarterly reports regarding unobligated balances (Section 501), reprogramming of funds (Section 505), NOAA ships (Section 506), falsely mislabeled products (Section 507), tobacco promotion (Section 509), trace data as it relates to firearms-related crimes (Section 510), the Crime Victims Fund (Section 511), and torture (Section 519).

Title VI – Rescissions

Title VI includes \$551.0 million in rescissions, which is \$46.4 million more than Administration's request, but \$190.5 million less the FY07 enacted level. The following funds were rescinded:

- National Institute of Standards and Technology, Industrial Technology Services: \$10.0 million;
- Department of Justice, General Administration, Working Capital Fund: \$41.0 million;
- Department of Justice, General Administration, Detention Trustee: \$135.0 million;
- Department of Justice, Legal Activities Assets, Forfeiture Fund: \$240.0 million from unobligated balances;
- Department of Justice, Office of Justice Programs, Justice Assistance Grants: \$87.5 million in unobligated balances; and
- Department of Justice, Office of Justice Programs, Community Oriented Policing Services: \$37.5 million in unobligated balances.

Administration Position

A Statement of Administration Policy (SAP) on the bill as reported by the Senate Appropriations Committee was not available at press time.

On July 24, the Administration released a SAP on the House-reported bill, H.R. 3093. The Administration strongly opposes H.R. 3093 because, in combination with the other FY08 appropriations bills, it includes an irresponsible and excessive level of spending and includes other objectionable provisions. The SAP also stated, "The Administration has asked that Congress demonstrate a path to live within the President's topline and cover the excess spending in this bill through reductions elsewhere, while ensuring the Department of Defense has the resources necessary to accomplish its mission. Because Congress has failed to demonstrate such a path, if H.R. 3093 were presented to the President, he would veto the bill."

Cost

H.R. 3093 would result in the following outlays:

FY 2008	\$34.399 billion ²
FY 2009	\$14.323 billion
FY 2010	\$4.171 billion
FY 2011	\$2.017 billion
FY 2011 (and future years)	\$1.024 billion

² Excludes outlays from prior-year budget authority.

Possible Amendments

A number of other amendments are expected. As of press time, no amendment texts or more detailed descriptions were available.